United Nations S/AC.43/2010/6

Security Council

Distr.: General
6 July 2010

Original: English

Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo

Note verbale dated 21 June 2010 from the Permanent Mission of China to the United Nations addressed to the Chair of the Committee

The Permanent Mission of the People's Republic of China to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1533 (2004) and, pursuant to resolution 1896 (2009), has the honour to transmit herewith a report on the steps taken by the Government of the People's Republic of China to implement resolution 1896 (2009).

10-43786 (E) 080710

Please recycle

Annex to the note verbale dated 21 June 2010 from the Permanent Mission of China to the United Nations addressed to the Chair of the Committee

Report of China on the implementation of Security Council resolution 1896 (2009)

Since the adoption of resolution 1896 (2009), the Government of China has taken steps to implement the measures contained in the resolution. The Foreign Ministry, authorized by the State Council, has informed the ministries and commissions under the State Council, the governments of the provinces, autonomous regions and the Special Administrative Regions of Hong Kong and Macao of the resolution 1896 (2009) and requested that it be implemented accordingly.

Regarding paragraph 1 of the resolution, since the Security Council imposed an arms embargo against the Democratic Republic of the Congo, the Chinese Government has earnestly implemented the embargo and the relevant exemption measures.

Regarding paragraph 3, the Chinese Government has continuously implemented the assets freeze and travel ban measures in accordance with the list of individuals and entities designated by the Security Council Committee established pursuant to resolution 1533 (2004), and the measures against the individuals and entities stipulated in paragraphs 9 and 11 of resolution 1807 (2008).

Regarding paragraph 12, the Chinese Government has decided to appoint Mr. Baogang Zhao, the expert in charge of issues concerning the Democratic Republic of the Congo in the Permanent Mission of China to the United Nations, as the focal point between the Chinese side and the Security Council Committee established pursuant to resolution 1533 (2004).

Regarding paragraph 14, the relevant ministries of the Chinese Government have, on the basis of the notice on sanctions against the Democratic Republic of the Congo issued by the Chinese Foreign Ministry, taken measures to urge the importers, processing industries and consumers of mineral products from the Democratic Republic of the Congo under their jurisdiction to exercise due diligence over their suppliers and the origin of the minerals they purchase.

United Nations S/AC.43/2010/7

Security Council

Distr.: General
6 July 2010

Original: English

Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo

Note verbale dated 1 July 2010 from the Permanent Mission of Denmark to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Denmark to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo and has the honour to hereby transmit the report of Denmark pursuant to Security Council resolutions 1857 (2008) and 1896 (2009) (see annex).

10-43792 (E) 080710

Please recycle

Annex to the note verbale dated 1 July 2010 from the Permanent Mission of Denmark to the United Nations addressed to the Chairman of the Committee

Report of Denmark submitted pursuant to paragraph 5 of Security Council resolution 1896 of 30 November 2009

Security Council resolutions 1857 (2008) and 1896 (2009) concerning the Democratic Republic of the Congo

Implementation by Denmark

1. Denmark and the other member States of the European Union (EU) have jointly implemented the restrictive measures against the Democratic Republic of the Congo imposed by Security Council resolutions 1857 (2008) and 1896 (2009) by taking the following common measures:

- Council Common Position 2008/369/CFSP of 14 May 2008 repealing Common Position 2005/440/CFSP as amended by Common Position 2009/66/CFSP and Council Decision 2009/349/CFSP.

  The Common Position sets out the EU commitment to implement all the measures contained in resolution 1596 (2005) and resolution 1807 (2008), and provides the basis for EU-specific implementation measures within the scope of the resolutions, notably:

  - Embargo on arms and related materiel against non-governmental entities and individuals operating in the Democratic Republic of the Congo;
  - Ban on the provision of certain services;
  - Asset freeze of funds owned or controlled by persons and entities designated by the United Nations Sanctions Committee;
  - Restrictions on admission for persons designated by the United Nations Sanctions Committee;

  The Common Position establishes, for the purpose of the restriction of admission and the asset freeze, the list of persons and entities in accordance with determinations set out by the Security Council in resolution 1807 (2008).

- Council Regulation (EC) No. 889/2005 of 13 June 2005 repealing Regulation (EC) No. 1727/2003, as amended by Council Regulation (EC) No. 1377/2007 and Council Regulation (EC) No. 666/2008.

  The Council Regulation and amendments implement in the European Community the ban to grant, sell, supply or transfer technical assistance related to military activities directly or indirectly to any person, entity or body in, or for use in the Democratic Republic of the Congo and to provide financing or financial assistance related to military activities, including in particular grants, loans and export credit insurance, for any sale, supply, transfer or export of arms and related materiel, or for any grant, sale, supply or transfer of related technical assistance and other services, directly or indirectly to any person, entity or body in, or for use in, the Democratic Republic of the Congo.

Within the European Community financial restrictions are implemented by Council Regulations and amendments. The Council Regulations are directly legally binding with respect to national implementation by EU member States of the freezing of funds and economic resources of persons, entities and bodies designated by the Sanctions Committee and the prohibition on making funds or economic resources available to such persons, entities or bodies, with certain exemptions as provided for in Security Council resolution 1596 (2005).

- Council Regulation (EC) No. 1183/2005 of 18 July 2005, as amended by Council Regulation (EC) No. 1791/2006 and Commission Regulation (EC) No. 242/2009.

  The Council Regulation imposes certain specific restrictive measures directed against persons acting in violation of the arms embargo with regard to the Democratic Republic of the Congo.

  The Council Regulation imposes financial restrictive measures against persons designated by the competent United Nations Sanctions Committee as acting in violation of the arms embargo imposed against the Democratic Republic of the Congo by the Security Council in resolutions 1493 (2003) and 1596 (2005).

2. In addition, the competent Danish authorities will apply the following Danish legislation in implementing the restrictive measures against the Democratic Republic of the Congo imposed by the Security Council in resolutions 1857 (2008) and 1896 (2009):

- The Danish Aliens Act empowers the competent Danish authorities to impose entry and transit restrictions on persons designated by the United Nations Sanctions Committee. The necessary instructions will be issued immediately after the designation of such persons.

- According to section 7 (a) of the Danish Weapons Act, it is prohibited to transport weapons of any kind and defence-related material etc. between third countries (i.e. other countries than Denmark), when the recipient country is listed in the Government Order on Transportation of Weapons etc. between third countries. The list includes all countries that are under a United Nations, EU or Organization for Security and Cooperation in Europe arms embargo.

- According to section 7 (b) (1) of the Danish Weapons Act it is likewise prohibited without a specific licence from the Minister of Justice, to negotiate or arrange as a broker transactions that involve the transfer of weapons etc., as defined in section 6, between countries outside the EU. Furthermore, it is prohibited to buy or sell weapons etc., as defined in section 6, as part of a transfer between countries outside the EU, or, as the owner of the weapons etc., to arrange such transfer. According to section 7 (b) (2) the prohibition does not apply to acts performed in another EU member State or to acts performed outside the EU by persons with permanent residence outside Denmark.

- According to section 6 of the Danish Weapons Act it is prohibited without a specific licence from the Minister of Justice to export weapons of any kind and defence-related material etc. Section 6 applies to any situation where items are transferred from Denmark to a third country, no matter whether the transfer takes place, in relation to export, transit, trans-shipment or re-export. Export

licences will not be issued to countries in violation of Security Council resolutions 1857 (2008) and 1896 (2009).

– Violations of the above-mentioned rules are a criminal offence punishable by fine or imprisonment; cf. Danish Weapons Act, section 10, and, in aggravating circumstances, section 192 (a) of the Danish Penal Code.